

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

RAMON GARZA, JR., )  
                          )  
Petitioner,           )  
                          )  
vs.                    ) Civil Action No. 12-00033-CG  
                          )  
                          ) Criminal No. 07-00349-CG-C  
UNITED STATES OF AMERICA )  
                          )  
                          )  
Respondent.           )

**ORDER**

This matter is before the Court on the Report and Recommendation of the Magistrate Judge (Doc. 224), Petitioner Ramon Garza, Jr.’s (“Garza”) objection to the Report and Recommendation (Doc. 231), and the United States’ response (Doc. 238). The Magistrate Judge recommended that Garza’s motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 (Doc. 201) be denied. (Doc. 224). After due and proper consideration of all portions of this file deemed relevant to the issue raised, and a *de novo* determination of those portions of the recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court, with the following additional discussion.

**DISCUSSION**

Garza’s objection fails to raise any issue not previously addressed in the Magistrate Judge’s Report and Recommendation. Rather, Garza merely

rehashes and expands upon previously considered and rejected arguments in connection with his § 2255 claims.<sup>1</sup> The Court has considered Garza's arguments, and reviewed the Report and Recommendation of the Magistrate Judge. The court finds that the Magistrate Judge properly denied all § 2255 claims raised by Garza. The Magistrate Judge also properly rejected Garza's request for an evidentiary hearing.

### **CONCLUSION**

It is **ORDERED** that the petition for writ of habeas corpus filed by Ramon Garza, Jr. (Doc. 201) is here by **DENIED**. The court further finds that Garza is not entitled to issuance of a Certificate of Appealability, and, therefore, is not entitled to appeal in forma pauperis.

**DONE and ORDERED** this 4th day of October, 2013

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Basically, Garza's objection reasserts the following arguments: (1) that his trial counsel rendered ineffective assistance by failing to move to suppress evidence from the New York seizure, object to law enforcement officers' testimony as a violation of the Confrontation Clause, and object to the impermissible bolstering of witness Alvin Knox by FBI Special Agent Kroona; (2) that his appellate counsel rendered ineffective assistance of counsel; and (3) that counsel's failure to object to evidentiary errors "cumulatively denied Petitioner of Due Process." See Doc. 231. The Magistrate Judge fully addressed these arguments in her well reasoned Report and Recommendation. There is no need to repeat that analysis here.